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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES,

Plaintiff,

v.

TAQIUDDIN IBN KHALID,

Defendant.

No. 2:20-CR-152-WFN  
2:17-CR-086-WFN

SENTENCING MEMORANDUM

1 The parties entered into an 11(c)(1)(C) agreement to a range of 18 to 27  
2 months on this case; and a concurrent sentence of up to 24 months in 2:17-cr-  
3 00086-WFN-1. This sentence is reasonable based on litigation risk; and 18 U.S.C.  
4 §3553(a) factors.

5 **A. Litigation risk** (*United States v. Cervantes*, 703 F.3d 1135, 1142 (9<sup>th</sup> Cir.  
6 2012)).

7 Mr. Khalid, who has a suspended driver's license, was driving a car with a  
8 cracked windshield. The officer saw the windshield and turned on his lights. Mr.  
9 Kahlid observed the lights and pulled over in a safe place – a store's parking lot. He  
10 legally parked the car in a designated parking stall. The officer impounded the car  
11 and later obtained a search warrant.

12 An officer may impound an unlicensed driver's car as part of the community  
13 caretaking function but only if removal is necessary, that is it jeopardizes public  
14 safety and the efficient movement of vehicular traffic.” *Miranda v. City of Cornelius*,  
15 429 F.3d 858, 864 (9<sup>th</sup> Cir. 2005). Here, removal was not necessary. Mr. Khalid  
16 had lawfully parked the car and offered to have his validly licensed girlfriend pick it  
17 up.  
18  
19

1 If there are reasonable alternatives, the impounding and subsequent search  
2 are unreasonable and unlawful. *United States v. Cervantes*, 703 F.3d 1135, 1142 (9<sup>th</sup>  
3 Cir. 2012). “In *Caseres* (we found the inventory search to be unconstitutional –  
4 even though the driver was driving with a suspended license – because the  
5 government presented no evidence that the impoundment served any caretaking  
6 function.” *Id.* (referring to *United States v. Caseres*, 533 F.3d 1064, 1074 (9<sup>th</sup> Cir.  
7 2008). Any evidence discovered during the course of an unlawful search must be  
8 suppressed.

9 **B. Section 3553(a) factors**

10 Mr. Khalid has been before this Court several times since his 2017 case. The  
11 Court knows of the trauma he experienced as a young child, the facial scarring that  
12 left him battling with self-esteem issues. The Court knows his struggles with  
13 addiction, his attempts to stay clean; his successful efforts at treatment; his  
14 successful efforts obtaining employment. The Court has watched his supportive  
15 family sit through each court appearance. The Court knows about the love for his  
16 children and his active involvement fighting for them; caring for them.

17 The Guideline range is 27-33 months. The 11(c)(1)(C) range is 18-27 months.  
18 Mr. Khalid asks this Court to accept the 11(c)(1)(C) plea agreement.  
19

1 Dated: July 20, 2021.

Federal Defenders of Eastern Washington & Idaho

2  
3 *s/Andrea K. George*

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9  
10 SERVICE CERTIFICATE

11 I certify that on July 20, 2021, I electronically filed the foregoing with the  
12 Clerk of the Court using the CM/ECF System, which will notify Assistant  
13 United States Attorneys: Patrick J. Cashman.

14 *s/Andrea K. George*

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